



Senate

General Assembly

File No. 608

January Session, 2003

Substitute Senate Bill No. 1130

Senate, May 1, 2003

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING TRUANCY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 10-198a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2003*):

4 (c) If the parent or other person having control of a child who is a
5 truant fails to attend the meeting held pursuant to subdivision (1) of
6 subsection (b) of this section or if such parent or other person
7 otherwise fails to cooperate with the school in attempting to solve the
8 truancy problem, such policies and procedures shall require the
9 superintendent of schools to file for each such truant enrolled in the
10 schools under [his] the superintendent's jurisdiction a written
11 complaint with the Superior Court pursuant to section 46b-149, as
12 amended by this act, alleging the belief that the acts or omissions of the
13 child are such that [his] the child's family is a family with service
14 needs. Such complaint shall be filed not later than ten days after such

15 parent or other person having control of a child who is a truant fails to
16 attend such meeting or otherwise fails to cooperate with the school in
17 attempting to solve the truancy problem.

18 Sec. 2. Subsection (h) of section 46b-149 of the general statutes is
19 repealed and the following is substituted in lieu thereof (*Effective July*
20 *1, 2003*):

21 (h) If the court finds, based on clear and convincing evidence, that
22 the family of a child is a family with service needs, the court may, in
23 addition to issuing any orders under section 46b-121, (1) refer the child
24 to the Department of Children and Families for any voluntary services
25 provided by said department or, if the family is a family with service
26 needs solely as a result of a finding that a child is a truant or habitual
27 truant, to the authorities of the local or regional school district or
28 private school for services provided by such school district or such
29 school, which services may include summer school, or to community
30 agencies providing child and family services; (2) commit [that] the
31 child to the care and custody of the Commissioner of Children and
32 Families for an indefinite period not to exceed eighteen months; (3)
33 order the child to remain in [his] the child's own home or in the
34 custody of a relative or any other suitable person (A) subject to the
35 supervision of a probation officer, or (B) in the case of a family which is
36 a family with service needs solely as a result of a finding that a child is
37 a truant or habitual truant, subject to the supervision of a probation
38 officer and the authorities of the local or regional school district or
39 private school; [or] (4) if the family is a family with service needs as a
40 result of the child engaging in sexual intercourse with another person
41 and such other person is thirteen years of age or older and not more
42 than two years older or younger than such child, (A) refer the child to
43 a youth service bureau or other appropriate service agency for
44 participation in a program such as a teen pregnancy program or a
45 sexually transmitted disease program, and (B) require such child to
46 perform community service such as service in a hospital, an AIDS
47 prevention program or an obstetrical and gynecological program; or
48 (5) if the family is a family with service needs solely as a result of a

49 finding that a child is a truant or habitual truant, (A) order the parent,
50 guardian or other person having control of the child to perform
51 community service for a number of hours as determined by the court,
52 or (B) impose a civil penalty on the parent, guardian or other person
53 having control of the child in an amount not to exceed one thousand
54 dollars for each such finding made by the court. If the court issues any
55 order which regulates future conduct of the child, parent or guardian,
56 the child, parent or guardian [,] shall receive adequate and fair
57 warning of the consequences of violation of the order at the time it is
58 issued, and such warning shall be provided to the child, parent or
59 guardian, to his or her attorney and to his or her legal guardian in
60 writing and shall be reflected in the court record and proceedings.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>

ED *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Local and Regional School Districts	None	None	None

Explanation

Any impact related to the provision permitting the court to order community service or impose a civil penalty on the parent, guardian or other person having control of the child is expected to be minimal. Also, since school superintendents are required under current law to report truancy to the Superior Court, the bill's ten-day time limit is unlikely to alter the number of families with service needs (FWSN) cases handled by the Judicial Department. There is no anticipated cost associated with this provision.

Since school superintendents are required under current law to report truancy to the Superior Court, the bill's ten-day time limit does not impact local and regional school districts.

OLR Bill Analysis

sSB 1130

AN ACT CONCERNING TRUANCY**SUMMARY:**

Current law requires school superintendents to file a written complaint with the Superior Court if the parent or other person with control of a truant child (1) fails to attend a meeting to address the truancy that is held within 10 school days of the child's fourth unexcused absence in a month or tenth unexcused absence in a school year or (2) otherwise fails to cooperate with the school in trying to solve the truancy problem. The complaint must allege the superintendent's belief that the child's acts or omissions make his family a family with service needs. This bill requires the superintendent to file the complaint within 10 days after the parent or other person fails to attend the meeting or otherwise fails to cooperate with the school in trying to solve the truancy problem.

If the court finds the child's family to be a family with service needs solely because the child is a truant or habitual truant, the bill allows the court to (1) order the parent, guardian, or other person with control of the child to perform community service for a number of hours the court determines or (2) impose a civil penalty up to \$1,000 for each finding on the parent, guardian, or other person with control of the child.

EFFECTIVE DATE: July 1, 2003

BACKGROUND***Truancy***

The statutes define a truant as a child age five to 18 who is enrolled in a public or private school and has four unexcused absences in a month or 10 unexcused absences in a school year. Current law requires each local or regional board of education to adopt and implement policies and procedures regarding truants. These must include (1) holding a meeting with the parent or other adult, and appropriate school personnel, to review and evaluate the reasons the child is truant; (2)

coordinating services with and referrals of children to community agencies providing child and family services; (3) notifying annually the parent or other person with control of each child in grades kindergarten through eight of the parent or other person's duties; (4) obtaining annually a telephone number or other way to contact the parent or other person during the school day; and (5) a system of monitoring the unexcused absences of children in grades kindergarten through eight, so that the school will make a reasonable effort to notify the parent or other person whenever a student fails to report to school and school personnel have received no indication that the parent or other person is aware of the student's absence.

Related Bill

sHB 6567 expands the definition of a "family with service needs" to include 16-year old youth in crisis starting October 1, 2006 and 17-year old youth in crisis starting October 1, 2007.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute Change of Reference

Yea 24 Nay 0

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0